

United States District Court

DISTRICT OF DELAWARE

UNITED STATES OF AMERICA

v.

OYEDIRAN OYETUNJI,
aka DIPO OKE

Criminal Complaint

CASE NUMBER: 06- 30M-MPT

(Name and Address of Defendant)

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about March 9, 2006 in New Castle County, in the District of Delaware, defendant did remain in the United States, having illegally re-entered the United States prior to March 9, 2006 and after November 10, 1998, after having been deported to Nigeria.

in violation of Title 8 United States Code, Section(s) 1326(a) and (b)(2)I further state that I am a(n) Supervisory Special Agent, ICE and that this complaint is based

Official Title

on the following facts:

See attached Affidavit

Continued on the attached sheet and made a part hereof: Yes



Signature of Complainant

William O. Horn

Supervisory Special Agent, ICE

Sworn to before me and subscribed in my presence,

Date

March 10, 2006

at


Wilmington, DE

City and State

Honorable Mary Pat Thyng
United States Magistrate Judge

Name & Title of Judicial Officer

Signature of Judicial Officer



FILED

MAR 10 2006

U.S. DISTRICT COURT
DISTRICT OF DELAWARE

AFFIDAVIT

I, William O. Horn, being duly sworn, depose and say:

1. I am a Special Agent with the United States Department of Homeland Security, Bureau of Immigration & Customs Enforcement (ICE), Dover, Delaware. I have been employed as a Supervisory Special Agent since October 1, 1997, when I was employed by the Immigration and Naturalization Service (INS). The INS was transferred to the U.S. Department of Homeland Security as the Bureau of Immigration & Customs Enforcement in March 2003.

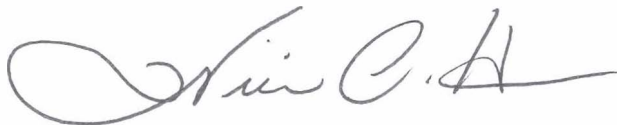
2. This investigation is based on information provided by INS/ICE records, and my own observations and interviews.

3. On or about March 07, 2006, ICE Dover received an Intelligence Report from the ICE Law Enforcement Support Center (LESC) that an anonymous caller had advised them that one Dipo OKE, who worked as a realtor in Middletown, DE, had been deported from the United States before. The caller had met him in Ghana several years ago, at which time he had told her that he'd been deported after being convicted of Credit Card Fraud.

4. Your affiant and a fellow Agent went to Prudential Realtors in Middletown, DE and asked to speak to Mr. OKE. While your affiant waited for the subject in the waiting area, Special Agent Michael Deshaies encountered the subject attempting to leave via a rear door of the business. He identified himself as Dipo OKE, a citizen of Nigeria, but refused to answer any questions until he could speak to his attorney.

5. Inasmuch as OKE could present no evidence that he was in the United States legally, he was brought to the ICE office in Dover, and his fingerprints were queried via an automated system. The subject's fingerprints came back to one Oyediran OYETUNJI, a citizen of Nigeria, who has been convicted of Possession With Intent to Deliver Heroin, for which he received a sentence of 70 months' incarceration. In addition, he was removed from the United States to Nigeria on November 10, 1998.

WHEREFORE, your affiant avers that there is probable cause to believe that Oyediran OYETUNJI, a.k.a. Dipo OKE, a citizen and national of Nigeria, was removed by INS/ICE to Nigeria on November 10, 1998, that he has been convicted of an Aggravated Felony, and that, prior to his reembarkation at a place outside the United States, neither the United States Attorney General nor the Undersecretary for Border and Transportation Security, Department of Homeland Security, had expressly consented to such alien's reapplying for admission, in violation of Title 8, United States Code, 1326(a) and (b)(2).



William O. Horn
Special Agent
U.S. Immigration & Customs Enforcement